

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 65231

Daniel Henriquez  
716 N. Kenwood Avenue  
Baltimore MD 21222

7042 Belclare Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 11, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-6-105, 35-6-112: Respondent has not obtained a rental housing license for rental property known as 7042 Belclare Road, 21222.

On April 29, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kathleen O'Donnell issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Daniel Henriquez, Landlord, Kenneth D. White Sr., Tenant and, Kathleen O'Donnell, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

- A. A Correction Notice was issued on August 31, 2009 requiring application by September 14, 2009.
- B. This Citation was issued on April 29, 2010. Baltimore County law requires landlords to obtain a valid Rental Housing License before a residential property may be rented.
- C. Inspector Kathy O'Donnell testified that in 2009 Respondent sent in the application and payment for the Rental Housing License but failed to obtain the required inspection and lead paint inspection. The house was built in 1931 so the lead paint certification is required by state law. The Department's case was closed after Respondent notified the office that he was moving back into the property and would not be renting it. The case was reopened after a tenant complained about code violations. Inspection in April found no working smoke detectors and multiple code violations including problems with doors and windows, hot water pressure, chipping paint, malfunctioning refrigerator and dishwasher.
- D. Respondent testified that his tenant was supposed to move out at the end of November and that he had to pursue eviction proceedings in January. He further testified that he had planned to move in but couldn't because of the delay. He advertised the property on Craig's List and rented it to Mr. White.
- E. Kenneth White testified that he did want to rent the property but didn't realize there were so many problems that needed repair until after he moved in. He testified that Respondent is raising his rent and he cannot afford to stay at the higher rent.
- F. A property owner is required to obtain a Rental Housing License before renting out a dwelling unit. BCC Section 35-6-105. Respondent has violated this requirement. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if Respondent obtains a valid rental housing license by August 2, 2010. After that date, rental without the required license may result in additional Citations with civil penalty.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10<sup>th</sup> day of June 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

